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Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 9 January 2018 from the Permanent Mission of Denmark to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Denmark to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1718 (2006) and has the honour to submit a report on the concrete measures taken by the Government of Denmark to implement the provisions of Security Council resolution 2371 (2017), in accordance with paragraph 18 of that resolution (see annex).

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Annex to the note verbale dated 9 January 2018 from the Permanent Mission of Denmark to the United Nations addressed to the Chair of the Committee

Report of Denmark on the implementation of Security Council resolution 2371 (2017)

1. Denmark and the other States members of the European Union have jointly implemented the restrictive measures against the Democratic People's Republic of Korea imposed by the Security Council in its resolution 2371 (2017) by taking the following measures:[1]

(a) Council Implementing Decision (CFSP) 2017/1459 of 10 August 2017 implementing Decision (CFSP) 2016/849 concerning restrictive measures against the Democratic People's Republic of Korea, which implements the designation of additional persons and entities (travel ban and asset freeze);

(b) Commission Implementing Regulation (EU) 2017/1457 of 10 August 2017 amending Council Regulation (EC) No. 329/2007 concerning restrictive measures against the Democratic People's Republic of Korea, which gives effect to Council Implementing Decision (CFSP) 2017/1459;

(c) Council Decision (CFSP) 2017/1562 of 14 September 2017 amending Decision (CFSP) 2016/849 concerning restrictive measures against the Democratic People's Republic of Korea, which sets out the commitment of the European Union to implementing the measures contained in Security Council resolution 2371 (2017), namely:

(i) To prohibit vessels designated by the Committee, pursuant to paragraph 6 of resolution 2371 (2017), from entering the ports of Member States unless entry is required in case of an emergency or in the case of a vessel returning to its port of origin. The Committee may grant an exemption under certain conditions;

(ii) To clarify that the prohibition from owning, leasing or operating any vessel flagged by the Democratic People's Republic of Korea also includes the chartering of vessels flagged by the Democratic People's Republic of Korea;

(iii) To prohibit the procurement of coal, iron and iron ore from the Democratic People's Republic of Korea: the prohibition does not apply if the conditions stipulated in paragraph 8 of resolution 2371 (2017) are met;

(iv) To prohibit the procurement of seafood from the Democratic People's Republic of Korea;

(v) To prohibit the procurement of lead and lead ore from the Democratic People's Republic of Korea;

(vi) To prohibit work authorizations from exceeding, on any date after 5 August 2017, the total number provided for nationals of the Democratic People's Republic of Korea in the jurisdictions of Member States and valid on 5 August 2017. The Committee may grant an exemption on a case-by-case basis under certain conditions;

(vii) To prohibit the opening of new joint ventures or the expansion of existing joint ventures. The Committee may grant an exemption on a case-by-case basis;

[1] All common measures are published in the *Official Journal of the European Union*.

(viii) To clarify that the prohibition from transferring funds to or from the Democratic People's Republic of Korea also applies to the clearing of funds;

(ix) To clarify that companies performing financial services commensurate with those provided by banks are considered to be financial institutions;

(x) To seize and dispose of items the export of which is prohibited in resolution 2371 (2017);

(d) Council Regulation (EU) 2017/1548 of 14 September 2017 amending Regulation (EU) 2017/1509 concerning restrictive measures against the Democratic People's Republic of Korea, which gives effect to the measures provided by Council Decision (CFSP) 2017/1562.

2. In addition, the competent Danish authorities will apply the following Danish legislation in implementing the restrictive measures against the Democratic People's Republic of Korea concerning arms and related material:

(a) In accordance with section 7 a (1) and (4) of the Danish Weapons Act No. 1005 of 2012, with subsequent amendments, a government order on the transportation of weapons and defence-related material between countries other than Denmark has been issued, establishing a prohibition on the transport of weapons or defence-related material to and from specific countries. According to section 1 of the order, it is prohibited to transport weapons of any kind or defence-related material between countries other than Denmark when the recipient country is listed in the order. That list includes all countries that are under an arms embargo of the United Nations, the European Union or the Organization for Security and Cooperation in Europe. According to section 2 of the order, it is prohibited to transport weapons of any kind or defence-related material to countries other than Denmark when the exporting country is listed in the order. That list includes all countries that are under an arms embargo of the United Nations, the European Union or the Organization for Security and Cooperation in Europe specifically prohibiting, for example, the transport of weapons from that country;

(b) According to section 7 b (1) of the Danish Weapons Act, it is likewise prohibited for a broker, without a specific licence from the Ministry of Justice, to negotiate or arrange transactions that involve the transfer of weapons or defence-related material, as defined in section 6, between countries outside the European Union. Furthermore, it is prohibited to buy or sell weapons or defence-related material, as defined in section 6, as part of a transfer between countries outside the European Union, or, as the owner of the weapons or defence-related material, to arrange such a transfer. According to section 7 b (2), the prohibition does not apply to acts performed in another State member of the European Union or to acts performed outside the European Union by persons with permanent residence outside Denmark;

(c) According to section 6 of the Danish Weapons Act, it is prohibited without a specific licence to export weapons of any kind or defence-related material. Section 6 applies to any situation in which items are transferred from Denmark to a third country, no matter whether the transfer takes place in relation to export, transit, trans-shipment or re-export. Export licences will not be issued to countries in violation of Security Council resolutions 1718 (2006), 1874 (2009) or 2270 (2016);

(d) Violations of the above-mentioned rules are criminal offences punishable by fine or imprisonment (see section 10 of the Danish Weapons Act, and, with respect to aggravating circumstances, section 192 (a) of the Danish Criminal Code).

3. The above-mentioned Council Regulations are binding in their entirety and directly applicable in all States members of the European Union. Pursuant to Council Regulation (EU) 2017/1509, member States are required to determine the penalties

applicable to infringements of those provisions. The penalties determined by Denmark are set out in the following legislation:

(a) The Danish Criminal Code No. 977 of 2017, with subsequent amendments. According to section 110 c (2) of the Criminal Code, a fine or imprisonment for a term not exceeding four months, or, in particularly aggravated circumstances, imprisonment for a term not exceeding four years, is imposed on any person who fails to comply with provisions or prohibitions stipulated by law with respect to the obligations incumbent on the State as a Member of the United Nations. An equivalent provision exists concerning the contravention of European Union sanctions (sect. 110 c (3)). Where the contravention is committed through negligence, the penalty is a fine or imprisonment for a term not exceeding two years (sect. 110 c (4));

(b) The Danish Anti-Money Laundering Act No. 651 of 2017, with subsequent amendments. According to section 79 (cf. sect. 51) of the Act, an undertaking or person is punishable by fine in the event of failure to comply with an order for violation of European Union Regulations containing rules on financial sanctions against countries, persons, groups and legal entities or bodies.

4. With regard to restrictions on admission (visa ban), the Danish Aliens Act No. 1117 of 2017, with subsequent amendments, together with Council Decision (CFSP) 2016/849 and Regulation (EC) No. 539/2001, provides the basis for refusal of admission and denial of requests for a visa. Pursuant to the Act, the competent Danish authorities have the power to impose entry and transit restrictions on persons designated by the Committee. The necessary instructions are issued immediately after the designation of such persons.